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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
09/040,509	03/17/1998	RONALD A. KATZ	233-134	1901
35554	7590	06/30/2004	EXAMINER	
REENA KUYPER, ESQ. BYARD NILSSON, ESQ. 9220 SUNSET BOULEVARD SUITE 315 LOS ANGELES, CA 90069			WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2643	
			DATE MAILED: 06/30/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/040,509

Applicant(s)

KATZ, RONALD A.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (hereinafter "Hester") in view of Szlam et al. (USPN 4,797,911, hereinafter "Szlam"), and further in view of Foster et al. (USPN 4,897,867, hereinafter "Foster").

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (data received via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example), wherein at least certain data also serves to identify the callers and further identify at least one group (each customer accesses account information using a personal identification number such that those who enter a valid personal identification number can be considered as a group of authorized customers; page 6, last paragraph);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 29-35 in that it does not explicitly provide for updating callers' files and receiving caller identification signals entered by the caller. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16), updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42), and receiving a caller's telephone number via ANI or DTMF key input (voice message played depends on whether the identified customer has an established account and customer input; col. 12, line 9 - col. 13, line 54) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files and caller identification, as taught by Szlam, within the method of Hester in order to identify the customer, maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam differs from claims 29-35 in that it does not specify that the certain data entered by the caller properly comprises a precise number of digits that always total a specific particular numerical value. However, Foster teaches the desirability of verifying a customer entered data, such as a PIN number, by checking the expected digit count and using checksum digit information (col. 7, lines 36-65) in order to verify a calling customer such that it would have been obvious to an artisan of ordinary skill to incorporate such a well

known verification feature, as taught by Foster, within the combination of Hester and Szlam as part of the customer verification process.

Regarding claim 32, note attendant line interface (Fig. 1).

3. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hester in view of Szlam, and further in view of Riskin (USPN 4,757,267) and Foster.

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (data received via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example), wherein at least certain data also serves to identify the callers and further identify at least one group (each customer accesses account information using a personal identification number such that those who enter a valid personal identification number can be considered as a group of authorized customers; page 6, last paragraph);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 33-35 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in

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mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam further differs from claims 33-35 in that it does not specify generating sequence data relating to transactions. However, Riskin teaches the desirability of generating sequence numbers to identify each call (note sequential control number; col. 17, line 35 - col. 18, line 13) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of such a sequential control number, as taught by Riskin, within the combination of Hester and Szlam in order to maintain a record of each call.

The combination of Hester, Szlam, and Riskin differs from claims 33-35 in that it does not specify that the certain data entered by the caller comprises a precise number of digits that always total a particular numerical value. However, Foster teaches the desirability of verifying customer entered information by checking the expected digit count and using checksum digit information (col. 7, lines 36-65) in order to verify a calling customer as well as to detect dialing errors such that it would have been obvious to an artisan of ordinary skill to incorporate such a well known verification feature, as taught by Foster, within the combination of Hester and Szlam as part of the customer verification process.

4. Claims 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hester and Szlam, and further in view of Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger") and Foster.

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (data received via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example), wherein at least certain data also serves to identify the callers and further identify at least one group (each customer accesses account information using a personal identification number such that those who enter a valid personal identification number can be considered as a group of authorized customers; page 6, last paragraph);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 36-42 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of

ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam differs from claims 36-42 in that it does not specify defining a limit on use. However, Barger teaches the desirability of defining a limit on the number of uses by identified callers in an interactive voice-telephony system (col. 11, lines 34-47) such that it would have been obvious to an artisan of ordinary skill to incorporate the limited use feature, as taught by Barger, within the combination of Hester and Szlam in order to prevent overuse by a single caller.

The combination of Hester, Szlam and Barger differs from claims 36-42 in that it does not specify that the certain data entered by the caller comprises a precise number of digits that always total a particular numerical value. However, Foster teaches the desirability of verifying customer entered information by checking the expected digit count and using checksum digit information (col. 7, lines 36-65) in order to verify a calling customer as well as to detect dialing errors such that it would have been obvious to an artisan of ordinary skill to incorporate such a well known verification feature, as taught by Foster, within the combination of Hester and Szlam as part of the customer verification process.

Regarding claims 36, 40-42, Szlam provides for identifying customers using ANI information (via ANI decoder 10a28).

Response to Arguments

5. Applicant's arguments filed April 13, 2004 have been fully considered but they are not persuasive.

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Applicant argues that “the recitation of identifying at least one group of callers on the basis of digital totals” is “significantly distinct from merely employing a check sum to verify a caller as taught by Foster.” However, Foster does teach requiring PIN numbers for security and billing purposes (col. 7, line 36-51) such that callers who enter a valid PIN number, which includes the expected number of digits (PDC information) comprise a group of authorized callers.

Applicant argues that “the Szlam patent (‘911) is primarily directed to a system wherein the operator’s process callers with limited computer back up” and that “[c]laim 29 specifies computer operation to ‘update callers’ files that maintain a historical record for each caller.” Szlam clearly teaches that “the customer account information in mainframe 16 is updated online and is always current” and the controller “maintains a record of each call such as time of call, length of call, busy, no answer, etc.” (col. 11, lines 14-28).

Applicant argues that, in Riskin, “sequence does not involve ‘transactions’...but rather involves sequence based on the time of an initial call by a caller and is assigned to callers.” However, claim 33 recites “generating sequence data relating to transactions with at least certain callers and storing the sequence data.” Riskin clearly teaches the generation of sequence data (sequential control number; col. 17, line 46) relating to transactions (an inbound call) with at least certain callers (caller associated with the inbound call) and storing the sequence data (sequential control number is stored in a call record journal; col. 17, lines 52-55; col. 18, line 12).

Conclusion

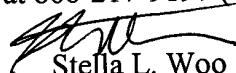
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stella L. Woo
Primary Examiner
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